

Amendment No. 1 to SB0904

Southerland
Signature of Sponsor

AMEND Senate Bill No. 904*

House Bill No. 1185

by deleting Section 1 of the introduced bill and substituting the following:

SECTION 1. Tennessee Code Annotated, 70-4-116, is amended by deleting subsections (f) and (g) and substituting the following:

(f)

(1) In addition to the punishments authorized by this title, any court that convicts a person of killing or possessing a white-tailed deer, wild turkey, bear, or wild elk in violation of this title may order that person to pay restitution for the animal to the agency in the following amount:

(A) Not less than one thousand dollars (\$1,000) per animal, for each of the following that is illegally killed or possessed:

(i) Wild turkey;

(ii) White-tailed deer with no antlers; and

(iii) Antlered white-tailed deer with less than eight (8) antler points;

(B) Not less than one thousand five hundred dollars (\$1,500) per animal, for each of the following that is illegally killed or possessed:

(i) Wild elk with no antlers; and

(ii) Antlered wild elk with less than eight (8) antler points;

(C) Not less than one thousand dollars (\$1,000) per animal plus five hundred dollars (\$500) per antler point, for each antlered white-tailed deer with at least eight (8) but not more than ten (10) antler points that is illegally killed or possessed;

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(D) Not less than one thousand dollars (\$1,000) per animal plus seven hundred fifty dollars (\$750) per antler point, for each antlered white-tailed deer with eleven (11) or more antler points that is illegally killed or possessed;

(E) Not less than one thousand five hundred dollars (\$1,500) per animal plus five hundred dollars (\$500) per antler point, for each antlered wild elk with at least eight (8) but not more than ten (10) antler points that is illegally killed or possessed;

(F) Not less than one thousand five hundred dollars (\$1,500) per animal plus seven hundred fifty dollars (\$750) per antler point, for each antlered wild elk with eleven (11) or more antler points that is illegally killed or possessed; and

(G) Not less than five thousand dollars (\$5,000) per animal, for each bear that is illegally killed or possessed and for each bear cub that is orphaned by the illegal killing or possession of a bear.

(2) If the conviction is based on the killing or possession of a wild elk and the court orders restitution pursuant to subdivision (f)(1), in addition to any other relevant factors to consider when determining the amount of restitution, the court shall also include the costs associated with the reintroduction of a wild elk. Notwithstanding any provision of law to the contrary, a farmland owner, lessee, or designee may take an elk found within a "no elk zone" when the owner, lessee, or designee reasonably believes the elk is causing or has caused

damage to the owner's property. In all other situations, the farmland owner, lessee, or designee shall first provide the agency an opportunity to relocate the elk. The "no elk zone" shall be defined by the commission.

(g) If two (2) or more defendants are convicted of an offense involving the killing or possession of the same animal or animals for which restitution is ordered pursuant to this section, all of the defendants shall be jointly and severally liable for the full amount of the restitution.

(h) In addition to the punishments authorized by this title, any court that convicts a person of killing or possessing a white-tailed deer, wild turkey, bear, or wild elk in violation of this section shall revoke any license that was issued to the person under this title until the person has paid in full all restitution that the court ordered the person to pay.